D.B. CIVIL SPECIAL APPEAL(W)NO.1041/2006

Nand Kishore & Ors.
Vs.
The Board of Revenue & Ors.

DATE OF ORDER :: 14-02-2007

HON'BLE THE CHIEF JUSTICE SHRI S.N.JHA
HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ

Shri Saransh Saini, for the appellant.

The writ petition preferred by the appellant giving rise to this appeal had arisen from a proceeding under Section 183 of the Rajasthan Tenancy Act. Section 183 of the Act deals with ejectment of trespassers. The suit was filed by respondent for ejectment of the appellant on the basis of expiry of the period of mortgage. According to appellant, he had purchased the property on 6.1.1956. It is not in dispute that sale-deed was never registered as the registering authority declined to register it. We are of the view that by reason of non- registration, the title never passed in favour of the appellant. The attestation of mutation by Tehsildar in his favour on the basis of agreement of sale was of no avail. Mutation does not create title. The appellant has lost before all the three revenue authorities. We are of the view that the suit is concluded by concurrent findings and the learned Single Judge did not commit any error in dismissing the writ petition.

The appeal is dismissed.

[MOHAMMAD RAFIQ],J. **[S.N.JHA],CJ.**

Praveen